

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**MITCHELL HUNGERPILLER  
AND PATRICIA HUNGERPILLER**  
Individually and on behalf of a class of  
similarly situated persons;

**Plaintiffs,**

V.

**RC2 CORPORATION, a Delaware Corporation,)**  
**And LEARNING CURVE BRANDS, INC., a )**  
**Delaware Corporation; )**

**Defendants.**

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**CIVIL ACTION NO.: 2:07-CV-01805**

## DEFENDANTS' MOTION FOR CLARIFICATION

Defendants RC2 Corporation and Learning Curve Brands, Inc., d/b/a RC2 Brands, Inc. (collectively “Defendants”) move for clarification of the Court's Orders entered October 30, 2007, granting: (1) Defendants’ Motion For Stay of Proceedings, and (2) Defendants’ Motion For Extension Of Time To Answer. In support of this motion, Defendants state as follows:

1. On October 29, 2007, Defendants filed their motion to stay proceedings pending the ruling of the Judicial Panel on Multidistrict Litigation (“JPML”) on the pending Motions To Transfer filed in the MDL No. 1893 – In Re: RC2 Corp. Toy Lead Paint Products Liability Litigation. Contemporaneously with that motion, Defendants filed a motion to extend their time to respond to the complaint until thirty (30) days after a ruling by the JPML.

2. On October 30, 2007, the Court granted Defendants an extension of time until December 7, 2007 to file their response to the Complaint. On the same day, the Court granted Defendants' Motion For Stay.

3. For the reasons of judicial economy and in order to prevent hardship to the Defendants from being required to answer and/or respond in the various forums where suits have been initiated, most of the cases involved in the potential MDL have been stayed pending a ruling by the JPML, and the time to respond to the respective Complaints has been extended until thirty (30) days following the entry of an Order by the JPML.

4. Defendants intend to file a motion to dismiss Plaintiffs' Complaint. In the interests of efficiency and judicial economy, Defendants seek to file their motion at the time and in the same court as they will be filing motions in the other cases currently stayed pending a decision by the JPML.

5. As this Court has stayed the case pending the JPML's ruling, Plaintiffs will not be prejudiced by a corresponding extension of time to respond to the Complaint. Further, the JPML held a hearing on November 29, 2007, and the Motions To Transfer are ripe for ruling, thus the additional time should not be significant.

6. Defendants seek clarification from the Court that their duty to respond to Plaintiffs' Complaint is governed by the stay, and ask the Court to extend their time to respond until thirty (30) days following the entry of an Order by the JPML.

WHEREFORE, Defendants RC2 Corporation and Learning Curve Brands, Inc., d/b/a RC2 Brands, Inc. respectfully request that the Court enter an Order clarifying that the deadline for Defendants to respond to the Complaint is thirty (30) days after entry of an Order by the JPML.

Dated: November 30, 2007

/s/ Teresa G. Minor

One of the Attorneys for Defendants  
RC2 Corporation and Learning Curve  
Brands, Inc.

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 30, 2007, a copy of the foregoing was served via electronically upon counsel of record via the Court's on-line system:

W. Lewis Garrison  
Gayle L. Douglas  
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/s/ Teresa G. Minor

One of the Attorneys for Defendants  
RC2 Corporation and Learning Curve  
Brands, Inc.